

SIXTH GUAM LEGISLATURE  
1962 (SECOND) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 280, "An Act to add Sections 6118, 6118.1 and 6118.2 to Chapter 2, Title VII, Government Code of Guam, regarding illegal expenditure and over-expenditure of government funds," was on the 6th day of February, 1962, duly and regularly passed.

  
A. B. MON PAT  
Speaker

ATTESTED:

  
V. B. BAMBA  
Legislative Secretary

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This Act was received by the Governor this 12th day  
of February, 1962 at 4:20 o'clock P.M.

/s/ Manuel F.L. Guerrero  
MANUEL F. L. GUERRERO  
Secretary of Guam

APPROVED:

/s/ BILL DANIEL  
BILL DANIEL  
Governor of Guam  
DATED: March 12, 1962  
2:15 P.M.

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P.L. 6-85

SIXTH GUAM LEGISLATURE  
1962 (SECOND) Regular Session

Bill No. 280

Introduced by: Committee on Rules, by  
request

AN ACT TO ADD SECTIONS 6118, 6118.1 AND 6118.2  
TO CHAPTER 2, TITLE VII, GOVERNMENT CODE OF  
GUAM, REGARDING ILLEGAL EXPENDITURE AND OVER-  
EXPENDITURE OF GOVERNMENT FUNDS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. New Sections 6118, 6118.1 and 6118.2 are hereby added  
3 to Chapter 2, Title VII, Government Code of Guam, as follows:

4 "Section 6118. Illegal Expenditures.

5 (a) No officer or employee of the Government  
6 of Guam shall:

7 (1) Make or authorize any expenditure  
8 from, or create or authorize an obligation  
9 under, any appropriation or fund in excess  
10 of the amount available therein, or for  
11 other than an authorized purpose;

12 (2) Commence, continue, or proceed  
13 with any operational activity, construction,  
14 improvement, contract, or obligation without  
15 an appropriation or fund for the payment  
16 thereof, or after any such appropriation  
17 or fund is exhausted;

18 (3) Involve the Government of Guam in  
19 any contract or other obligation, for the  
20 payment of money for any purpose, in advance  
21 of an appropriation made for such purpose;

22 (4) Employ personnel or accept  
23 voluntary service except as authorized by  
24 law.

1 (b) Nothing in subsection (a) hereof shall  
2 preclude the employment of personnel on a contractual  
3 basis for a period beyond the current annual appropri-  
4 ation, or the employment of personnel in cases of  
5 emergency involving the safety of human life or the  
6 protection of property.

7 (c) Any officer or employee of the Government  
8 of Guam who shall violate subsection (a) hereof shall  
9 be subjected to appropriate disciplinary action by the  
10 branch of the government concerned, including removal  
11 where warranted; and any officer or employee of the  
12 Government of Guam who shall knowingly and willfully  
13 violate subsection (a) hereof shall be guilty of a  
14 misdemeanor.

15 (d) As used herein, 'Government of Guam'  
16 includes all three branches, Executive, Legislative,  
17 and Judicial; 'officer' includes, but is not limited  
18 to, directors and agency heads, judges, and members  
19 and attaches of the Legislature.

20 (e) Any violation of this section by an  
21 officer or employee of the Executive Branch shall  
22 be reported at once to the Governor by the head of  
23 the department or agency concerned, and the Governor  
24 shall furnish a report thereon, including the action  
25 taken, to the Legislature.

26 Section 6118.1 Transfer Authority; Capital  
27 Improvement Appropriations. There is hereby authorized  
28 an annual appropriation for the purpose of supplementing,  
29 by transfer, any appropriation made for a capital  
30 improvement or other specific project, excluding annual  
31 operating appropriations. Such transfers may be made

1 by the Governor, with the concurrence of the Committee  
2 on Rules of the Legislature, in the following cases only:

3 (a) Where the transfer is found to be necessary  
4 to avoid waste or to avoid undue delay in completing  
5 an improvement or project; and

6 (b) The total transfers shall in no event be  
7 more than five thousand dollars (\$5,000.00) or ten  
8 per cent (10%) of the appropriation, whichever is  
9 less, made for the improvement or project.

10 Section 611B.2. Same: Operating Appropriations.  
11 The Governor may transfer not to exceed ten per cent  
12 (10%) of any item of appropriation for the operation  
13 of any department, agency, or office of the Executive  
14 Branch operating under appropriated funds to any other  
15 item of appropriation, for the same fiscal year, for  
16 the operation of any department, agency, or office of  
17 the Executive Branch operating under appropriated funds,  
18 but no item of appropriation (including any supplemental  
19 appropriation for the same item) shall be increased more  
20 than ten per cent (10%). Whenever in order to promote  
21 efficiency and economy of operation in the Executive  
22 Branch, the Governor provides for the transfer of  
23 responsibility for the administration of any function  
24 or program from one department, agency, or office of  
25 the government to another, he may also direct the  
26 transfer of appropriations allocated to such function  
27 or program notwithstanding any limitation as to amount.  
28 A quarterly statement of any transfers made pursuant  
29 to this section shall be submitted to the Legislature."  
30 Section 2. This Act shall take effect on October 1, 1962.  
31 Section 3. This Act is an urgency measure.